

### **REMARKS**

Claims 1-11, 17-44, and 50-72 are pending in this application. By this Amendment, claims 1, 17, 18, 22, 26, 34, 50, 52, 54, 55, 59, 67, 68, and 70-72 are amended. No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Claims 1-11, 17-44, and 50-72 are rejected. Claims 1-11, 17-44 and 50-72 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,609,113 to O'Leary et al. (hereinafter "O'Leary").

#### **Rejection of Claims 1-11, 17-44, and 50-72 under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-11, 17-44 and 50-72 under 35 U.S.C. §103(a) as being unpatentable over O'Leary. This rejection is respectfully traversed.

Without conceding the appropriateness of the rejection, and solely to advance prosecution of this application, claims 1, 34, 71, and 72 are amended. The Office Action asserts that O'Leary would have suggested the combination of all of the features positively recited in claims 1-11, 17-44, and 50-72. However, O'Leary would not have suggested the combinations of the features recited in these claims for at least the following reasons.

Claim 1, recites, among other features, notifying the recipient by email at a recipient terminal by the payments engine of the payment before the recipient is enrolled at the on-line payments service. Claims 34, 71, and 72 recite similar features.

In rejecting claim 68, the Examiner asserts that O'Leary's payment confirmation at col. 16, lines 35-65, teaches notifying the recipient by email at a recipient terminal by the payments engine of the payment. O'Leary recites, for example, at col. 16, lines 36-38, that in addition to generating and transmitting the payment authorization 225, the PPP 227 transmits a purchase acknowledgement directly to the merchant's website 255. O'Leary would not have suggested notifying the recipient by email at a recipient terminal by the payments engine of the payment *before the recipient is enrolled* at the on-line payments service because the purchase acknowledgement sent to the merchant's website is sent *after the merchant is registered* at the PPP of O'Leary. O'Leary discloses, for

example, at col. 11, lines 28-33, “the PPP enhanced Wallet 215 is responsible for initiating the push of the credit to the merchant's account 235. In order to perform the credit push over the EFT, the PPP enhanced Wallet 215 requires the merchant's payee information that uniquely identifies the merchant's Virtual Private Lockbox (VPL) 235.” Thus, O’Leary recites that the merchant provides the merchant's payee information that uniquely identifies the merchant's Virtual Private Lockbox, the merchant of O’Leary is registered before transmitting the payment authorization 225, and the PPP 227 transmits a purchase acknowledgement to the merchant's website 255. Accordingly, O’Leary would not have suggested notifying the recipient by email at a recipient terminal by the payments engine of the payment before the recipient is enrolled at the on-line payments service, as recited in claim 1, and similarly recited in claims 34, 71, and 72.

For at least the foregoing reasons, O’Leary cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 1, 34, 71, and 72. Further, O’Leary cannot reasonably be considered to have suggested the combinations of all of the features recited in claims 2-11, 17-33, 35-44, and 50-70 for at least the dependence of these claims on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-11, 17-44, and 50-72 under 35 U.S.C. 103(a) as being unpatentable over O’Leary are respectfully requested.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11, 17-44, and 50-72 are earnestly solicited. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 19-3140 and please credit any excess fees to such deposit account.

Respectfully submitted,

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